Title.

MR. S. J. NAIR (*Nedumangad*): Sir, I move that:—

The word 'temporary' be added between the words 'the' and 'control' in line 1.

I want the Title to read as follows:—

"A Regulation to provide for the *temporary* control of the extension of the cultivation of rubber in Travancore and for certain connected matters."

As it is, it would appear that the enactment is a permanent measure, restricting the right of the people to cultivate rubber for all time to come. Sir, rubber cultivation, it has been found, is the only profitable agricultural pursuit in the State. It is therefore not desirable that the people are permanently shut out from it. That would be a great hardship and severe injustice and handicap.

It has been stated in the Reasons and Objects of this Bill that the Bill has been introduced on behalf of the Government in order to honour the agreement that the Government have entered into with the British Indian Government in the matter of the International Rubber Restriction Scheme. Certainly, that agreement must be honoured; and the Law Member was quite right in bringing forward this measure. We also agree. But once the agreement has been honoured, why should the rights of the people be restricted for ever?

PRESIDENT: Does the honourable member suggest that by changing the title of the Bill, as he now proposes, the provisions of the Bill would be altered?

MR. S. J. NAIR (*Nedumangad*): That is my humble view, Sir (*Laughter*).

The amendment fell through for want of seconding.

The question that the Title do stand part of the Bill was put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No amendment having been made at the second reading, I beg to move that the Bill be finally passed.

MR C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was put to vote and carried.

The Bill was passed.

THE TRAVANCORE ANCIENT MONUMENTS PRESERVATION BILL.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to present the report of the Select Committee on the Travancore Ancient Monuments Preservation Bill, and beg to move that the Bill as reported be taken into consideration.

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MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was carried.

Clauses 1 and 2.

The question that Clauses 1 and 2 do stand part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Clause 3.

MR. A. S. DAMODARAN ÂSAN (*Mavelikara*): I beg to move the following amendment:—

In Clause 3, sub-clause (3), add at the close and before the full stop "by publication in the Government Gazette and notice to the persons who have preferred objections to the notification under sub-section (2)".

Sir, sub-clause (2) of Clause 3 says:—

"(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by Our Government within one month from the date when it is so fixed up will be taken into consideration".

Sub-clause (1) says:—

"(1) Our Government may, by notification in Our Government Gazette, declare an ancient monument to be a protected monument within the meaning of this Regulation".

In sub-clause (3) of Clause 3, it is stated:—

"(3) On the expiry of the said period of one month, Our Government, after considering the objections, if any, shall confirm or withdraw the notification".

There is no direction that notice must be given to the persons who prefer objections, and to the public in general as to whether the notification under sub-clause (1) has been withdrawn or not.

Sir, this is a matter which is likely to affect vitally the interests of the owner as well as the general public. In sub-clause (4) it is stated that a notification published under sub-clause (1) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Regulation. So, when the first notification which could be said only to be an interim-notification is to be published in the Government Gazette and objections are allowed to be put in, the final notification is not to be published in the Gazette. I think that this is a fundamental defect with regard to the publication of the notification. We find that under Clause 17 a penalty is imposed upon those who destroy, remove, injure, alter, deface or imperil a protected monument. When the rights of the public are generally restricted under Section 17, I feel that it is only advisable that a notification is published after the order is made absolute. With these words, I move the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have no serious objection to the amendment but I do not see the purpose of it. Mr. Damodaran Asan apprehends that the interest of the owner will be affected by a notification under Clause 3 (1). I do not know how it will be affected. He quoted Section 17 and said that it will be affected. That Section will come in only when the owner has given an agreement to the Government. Unless he has given an agreement, his interest will not be affected. If the House wants the amendment I am willing to accept it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Does not Section 17 impose a penalty upon other persons as well ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What Section 17 says is that any person other than the owner who destroys, removes, injures, alters, defaces or imperils a portected monument shall be punishable. Why does he go and injure another man's monument? It is not his property and he has nothing to do with it. The object of Clause 3 is only to give authority to the Division Peishkar.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know why the rights of ordinary citizens and of the owner be restricted in this manner ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The rights are not restricted. Immediately the notification is issued, authority will be conferred on the Division Peishkar to negotiate with the owner. That is the effect of Clause 3.

The amendment was put to the vote of the House and lost.

The question that Clause 3 do stand part of the Bill was then put to vote and carried.

Clause 4.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : Sir, I move the following amendment :—

"*In Clause 4, sub-clause (1) for the words 'Division Peishkar', substitute the word 'Commissioner'.*"

As amended, the sub-clause will read as follows :—

"The Commissioner, with the sanction of Our Government, may purchase or take a lease of any protected monument."

The word 'Commissioner' has been defined in Clause 2(3) as including an officer authorised by Our Government to perform the duties of a Commissioner under this Regulation. That sub-clause shows that Government propose to appoint or to invest the powers of a Commissioner in some officer or officers.

C.I. Coming to Clause 4, under the first sub-clause we see that the Division Peishkar is given power to purchase or take a lease of any protected monument. Again in sub-clause (2) the Division Peishkar is given power to accept a gift or bequest of any protected monument. Under sub-clause (3) the owner may constitute the Commissioner as the guardian of the monument. That is to say when the question of looking after the monument is taken up the Commissioner is given the power and not the Division Peishkar. Again under sub-clause (6) it is

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stated that where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

Coming to the latter part of the Bill, we see that Clause 12 reads as follows:

"(1) The Commissioner shall maintain every monument in respect of which Our Government has acquired any of the rights mentioned in Section 4 or which Our Government has acquired under Section 10."

Again Clause 13 reads:

"The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him."

Thus, throughout the Regulation the Commmissioner appointed under the Regulation is invested with powers to maintain the monument and to accept the gift of a monument. Under Clause 4(3) the Commissioner is given power to accept the guardianship of the protected monument. Even when there is no owner it is the Commissioner that is the guardian and not the Division Peishkar. Thus a distinction is sought to be made in the Bill between the Commissioner and the Division Peishkar. I do not find any necessity for such a distinction. If the Government propose to appoint an officer as Commissioner or invest an officer with the powers of the Commissioner it is better that the Commissioner is given all those powers. He will have better knowledge than the Division Peishkar. The Division Peishkar, as seen to-day, has got manifold duties; he has his duties under the Criminal Procedure Code; he has to attend to the revenue matters of his Division. He will find no time or very little time to attend to these duties imposed on him under this Bill. So I think it is better that the powers invested in the Division Peishkar be given to the Commissioner. With these words, I move this amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. It will be seen from the Clauses referred to by Mr. Sivaraman Nair that the function of the Peishkar is to deal with the owners and other people in order that Government may get dominion over the monument. After the dominion is secured, the Commissioner comes in and deals with the other matters. The Commissioner is not a man who is expected to be conversant with the art of dealing with the people. The District Officer is to do that. The Commissioner is like a doctor or an engineer who has to do with the technical side. After the monument is secured by Government the Commissioner begins his function.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is the Peishkar accustomed to do that until this Regulation comes into force?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He is accustomed to deal with people. For instance he attends to leases and assignment of lands. At any rate the Division Peishkar is supposed to be competent to deal with the acquisition of land.

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The amendment was put to the vote of the House and lost.

The question that Clause 4 do stand part of the Bill was then put to vote and carried.

Clause 5.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I move the following amendment:—

"*In Clause 5, omit sub-clause* (8)".

Sub-clause (8) reads thus:

"Any rights acquired by Our Government in respect of expenses incurred in protecting or reserving a monument shall not be affected by the termination of an agreement under this Section."

Under the agreement as provided for in the previous sub-clause expenses might be incurred by the owner or by the Government. The agreement could be terminated either by the owner or by the Government. What is stated in sub-clause (8) is that where an agreement is terminated at the instance of the Government or at the instance of the party, Government could recover any expenses incurred by them. I do not know why a similar benefit should not be given to the owner. If the Government are particular of having this right it is better to have it entered in the agreement and not provide for it in the statute. It is usual that in all agreements entered into by Government, clauses favourable to Government and against the contracting party are put in. The attempt made here is to secure for Government all rights without making similar provision to safeguard the right of the private persons. My submission is that Government can secure their rights in the agreement itself. There is no necessity to have it in the clause which confers only a one-sided benefit upon the Government.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. It is based on a mis-conception. On a careful perusal of sub-clause (8) it will be seen that it has to be proved that the Government had acquired a right. That right can be acquired only if there is a term in the agreement.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If there is a term in the agreement then where is the necessity for this Section?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To make the meaning of the Section more clear. Even though the agreement is terminated the right acquired by Government will not be lost. That is the idea.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If there is a clause in the agreement that any right of the owner on account of the expenses incurred by him for the preservation of the monument can be insisted on, will that be enforceable by him? May I know whether that right should not be protected?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It should be protected.

(At this stage the Deputy President took the Chair).

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Does not sub-clause (*f*) of Clause 5 refer to the owner incurring the expenses on behalf of the preservation of the monument?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think it refers to the incurring of expenses under the agreement. If Mr. Asan would like to have a separate amendment for this purpose I have no objection.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is there not one incongruity in enacting this sub-section (8) which reads as follows :—

> "Any rights acquired by Our Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this Section".

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. The object of this Section is to see that the right of Government is not lost even if it chooses to cancel the agreement.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Am I to understand that if an owner spends money for the preservation of a monument the Government can cancel their agreement on their own accord and not protect the citizen's right but take care to secure the Government's right? Is that the position?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The position is this. There is the agreement between the Government and the owner of the monument. The agreement is for preserving the monument concerned. If at any time the agreement is cancelled and if even this clause does not find a place it is still open to Government to insist on their rights. For the sake of clearness such a clause is expressly put in to remove all doubts whatever. After the termination of the agreement the right of Government should not be lost.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Government will declare the monument to be a public one even if the owner has spent money for the preservation of it. Is that the position?

Further should it be open to Government who have contributed nothing for the preservation of the monument to terminate the agreement by giving notice to the owner? Is such a procedure proper for Government.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Though a private man has contributed something for the maintenance of the monument, protection work has to be done only by Government.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Am I to take it that the monument is to be declared as a public one at the expense of the owner?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think there is some misconception so far as the position of Government is concerned.

If it is the desire of Mr. Asan to bring forward an amendment to protect the right of the owner I have no objection. Government are not anxious to put the owner to loss.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I may be permitted to move the amendment No. 10.

DEPUTY PRESIDENT: Is that connected with this Clause?

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MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Yes, Sir.

DEPUTY PRESIDENT: Then you can move the amendment.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I move that:—

In Clause 5, sub-clause (8) insert after the word "Government" the words "or the owner".

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I accept it provided the House agrees to it.

DEPUTY PRESIDENT: Does the House agree to this amendment? The House agreed.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I would like to move the amendment No. 6.

DEPUTY PRESIDENT: Yes.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I move the following amendment:—

In Clause 5, sub-clause 2 (d), insert the words "or Commissioner" after the words "Division Peishkar".

With this amendment the Clause will read thus:—

"(*d*) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Division Peishkar or the Commissioner to inspect or maintain the monument".

This Clause relates to the agreement which will be entered into with the owners of the monument by the Government. The Law Member stated when the former amendment was moved that the Commissioner would be maintaining the monuments as soon as the agreement has been executed or after the monument has been taken up by the Government it will be the Commissioner who will be looking after the monument. It is so provided in this Bill. This Clause gives the particulars that is to be found in the agreement. Clause (*d*) relates to the facilities of access given to the public or to the Division Peishkar or to any of his nominees. But the Clause does not provide for the Commissioner or his nominees any facility to go and inspect the monument. After the agreement is entered into, the Division Peishkar will have nothing to do with the monument. But it is the Commissioner who has to maintain it. It is necessary therefore that the Commissioner or his nominee be given power to inspect the monument and see whether things are properly done.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as the Commissioner is concerned he will get all the powers under the Regulation. There is no necessity for providing powers to the Commissioner under the agreement. I therefore oppose it.

The amendment was put to the vote of the House and lost.

The question that Clause 5 as amended do stand part of the Bill was put to vote and carried.

Clause 5 as amended was added to the Bill.

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Clause 6.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I beg to move the following amendment:—

In Clause 6, sub-clause 3, line 3, omit the word "periodically".

This Clause relates to the power of making the agreement. When the owner is an infant or lunatic this Clause gives power to the guardian to enter into agreement with the Government as regards a protected monument. The Clause reads as follows:—

> "If the owner is unable, by reason of infancy or other disability, to act for himself the person legally competent to act on his behalf may exercise the powers conferred upon an owner by Section 5.....".

I object to the word "periodically" occurring in Clause 6 (3). Even if that word is not there the Section will read well. The word periodically means at regular intervals. If a monument is not used for worship at regular intervals there is the likelihood of Government interfering In whatever way and at whatever time a monument is used for worship, that is to say, whether it is used periodically or not for worship Government should not interfere. Such monuments should be exempted from the guardian's powers. Why should the guardian be empowered to enter into an agreement with the Government even though the monument is used only now and then for worship? That may lead to dangerous consequences.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it. The retention of the word "periodically" is dangerous because a monument may be worshipped daily or from day to day or always. That is not worshipping periodically. Such a monument ought to be considered more sacred than the one that is worshipped periodically. I think it is absolutely necessary to take away the word "periodically"

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose it. The Clause as it is, is alright. Daily is also periodically in the year. It may be used as a place of worship either quarterly or once in six months or daily. What is meant thereby is, if it is only occasionally without any regularity it is not periodical.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Even if that word be taken away will not Government be entitled to interfere?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In that case why not retain that expression?

DEPUTY PRESIDENT: The question that I wish to place before the House is whether "religion" is a word capable of a definite meaning, for the owner of the property who is a minor may be a Thenkala Aiyangar and the person who is in charge may be a Vadakala Aiyangar, a Vaishnavite or a Shivite. So the word is not capable of conveying any definite meaning.

The amendment was put to the vote of the House and lost.

Clause 6 was put to the vote of the House and carried.

The Clause was added to the Bill.

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Clause 7.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, I beg to move the following amendment:—

In Clause 7, sub-clause (3) omit the last word "final" and substitute in its place the words "subject to cancellation or modification by the decree of a competent Civil Court".

According to Clause 5 the Division Peishkar may enter into an agreement on giving six months' notice in writing to the owner. All such agreements have to be entered into with the previous sanction of the Government and for any act of omission or commission on the part of any one of the parties, another party who has also an interest in the agreement should not be given the authority to express a final word in the matter. In other words, the Dewan, as the executive head and as the person who gave the permission to enter into the contract, should not be vested with the final appellate authority in a dispute arising out of the agreement. On the other hand, an aggrieved party should be given the right to seek his remedy in a competent Civil Court.

MR. K. P. KRISHNA MENON (*Parur*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. There is no necessity in this case for the intervention of a Civil Court. And in fact this provision is exactly what is found in the British Indian Act.

The amendment was put to the vote of the House and lost.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The amendment which I wish to move reads thus:—

In Clause 7, add the following at the close as sub-clauses (4) and (5):—

(4) "A copy of the order directing recovery of the expenses from the owner under sub-section (2) shall be served upon him.

(5) An appeal under sub-section (3) shall be preferred within sixty days of the date of service of the copy of the order under sub-section (4) except where he satisfies the Dewan that he had sufficient cause for not preferring the appeal within the prescribed period".

Clause 7 (2) gives wide powers to the Division Peishkar. It reads thus:—

> (2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under Section 5 refuses to do any act which is in the opinion of the Division Peishkar necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the Division Peishkar, the Division Peishkar may authorise any person to do any such act and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land revenue.

There the owner is not to be penalised only for the amount due under the agreement or for the breach of the agreement alone. It says further:—

> ".....refuses to do any act which is in the opinion of the Division Peishkar necessary to such preservation or maintenance....."

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So a discretion is given to the Peishkar to decide whether a particular act is necessary for the preservation of the monument though that act is not included in the agreement. If there is a default the Division Peishkar is authorised to have the very same thing done by another person and recover the expenses from the party under the Revenue Recovery Regulation. I have not given any amendment with regard to that portion. Sometimes the Division Peishkars will have to resort to such steps when there is absolute necessity for the preservation of the monument. But there is no provision to give notice to the owner of any such steps taken by the Division Peishkar. He might know of it only when his property is brought to sale. A power of appeal is given under sub-clause (3). There also we do not find any specific period prescribed for preferring the appeal. Even if he prefers an appeal as soon as he gets notice of the sale without being negligent it might be said that he has not preferred the appeal within a reasonable time. By this amendment what I want is to be assured that if the Division Peishkar passes an order like that he must intimate it to the owner who has to pay the same by means of a notice. A period of sixty days must be granted for preferring an appeal against the order of the Division Peishkar This is only a recognition of the fundamental rights of a citizen before he is divested of his vested rights. With these words I move the amendment for the acceptance of the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Perhaps this amendment is not quite necessary in view of the fact that the amount has to be recovered under the Revenue Recovery Regulation. Before the recovery is made the first step would be to give notice to the party. Therefore this amendment does not seem to be necessary. But at the same time I do not want any power to be given to do anything behind the back of the parties. If Mr. Asan wants this amendment I am quite prepared to accept it.

The amendment was accepted by the House.

Clause 7, subject to the amendment of Mr. Damodaran Asan, was put to vote and carried.

The Clause was added to the Bill.

Clauses 8 to 18.

Clauses 8 to 18 were put to the vote of the House and carried.

Clauses 8 to 18 were added to the Bill.

Clause 19.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I beg to move the following amendment:—

In Clause 19, add the following as sub-clause (4) and (5) and renumber the subsequent Clauses:

(4) *A copy of the order of the Division Peishkar granting or refusing permission shall be served upon the person who has applied for such permission.*

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[Mr. A. S. Damodaran Asan]

(5) *An appeal shall be preferred before the expiry of sixty days from the date of service of the copy of the order under sub-section (4) unless the appellant satisfies the Dewan that he had sufficient cause for not preferring the appeal within the prescribed period"*

Here also it is found that some right is sought to be given. In sub-clause (1) it is stated :—

(1) If Our Government consider that any sculptures, carvings, images, bas-reliefs inscriptions or other like objects ought not to be moved from the place where they are without the sanction of Our Government, Our Government may, by notification in Our Government Gazette, direct that any such object or any class of such object shall not be moved unless with the written permission of the Division Peishkar.

And sub-clause (2) says :—

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the Division Peishkar may require.

My submission is that there is no provision for intimating to the applicant the order passed on his application and a time is not fixed for preferring an appeal to the Division Peishkar under sub-clause (3). The arguments that I have to advance in support of this amendment are almost the same as those advanced in support of my former amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing to say. I would accept the amendment.

The amendment was put to the vote of the House and carried.

Clause 19 as amended was put to vote and carried.

The Clause as amended was added to the Bill.

Clause 20

DEPUTY PRESIDENT : The question is whether Clause 20 do stand part of the Bill.

Clause 20 was put to the vote of the House and carried.

The Clause was added to the Bill.

Clauses 21 and 22

Clauses 21 and 22 were put to the vote of the House and carried.

Clauses 21 and 22 were added to the Bill.

Clause 23

Clauses 23 to 25 were put to the vote of the House and carried.

Clauses 23 to 25 were added to the Bill.

Clause 26

MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : Sir, I move that for Clause 26, the following shall be substituted :—

" No Court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation."

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Sir, in the Bill itself in Clause 17 the following penalties are prescribed:

"Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures alters, defaces or imperils a monument maintained by Our Government under this Regulation or in respect of which an agreement has been executed under Section 5, and any owner or occupier who contravenes an order made under Section 7, sub-section (1), shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both".

But Clause 26 of the Bill reads:—

"A Magistrate of the Third Class shall not have jurisdiction to try any person charged with an offence against this Regulation".

This implies Sir, that the Magistrate of the First Class and Second Class are entitled to try offences under this Regulation. I do not know why this particular distinction is made. In the several Bills which are brought forward in this Assembly, for example in the Co-operative Societies Regulation, the maximum penalty is a fine of Rs. 200. There in the Co-operative Societies Bill, in Clause 64, it is stated "No court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation". Again in the Life Insurance Companies Regulation the fine imposed under Clause 35 is Rs. 1,000. But in Clause 37 of the same Bill, it is stated that no court inferior to that of a Magistrate of the First Class shall try any offence. Again in several other enactments, such as the Travancore Provident Fund Societies Regulation, though the maximum fine is fixed to be Rs. 5,000, Section 27 states that no court inferior to that of a Magistrate of the First Class shall try any offence. So my submission is that that it is necessary that no court inferior to that of a Magistrate of the First Class should be invested with powers to try offences under this Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The ground on which Mr. Sivaraman Nair brings forward this amendment is that Second Class Magistrates have power to punish with fines only up to a particular limit. I oppose the amendment. I do not find any reason why a Second Class Magistrate who has got the same experience and training as a First Class Magistrate is denied this power. And I think that there will be no harm in giving this power to such a Magistrate. With these words I oppose the amendment.

The amendment was put to the vote of the House and lost.

The question that Clause 26 do stand part of the Bill was put to the vote of the House and carried.

Clauses 27 and 28

The question that Clauses 27 and 28 do stand part of the Bill was put to the vote of the House and carried.

PREAMBLE AND TITLE.

The question that the Preamble and Title do stand part of the Bill was put to the vote of the House and carried.

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